

REMARKS

Claims 1, 3-7, 9-11 and 13-20 are currently pending in this application. Claims 1-3, 11, 13 and 18 are amended. Claim 8 has been canceled. Entry of the amendments is respectfully requested.

1. Claim Objections

The Examiner has indicated that claim 3 is objected to because the recitation of “wherein second flange unit . . .” fails to include an article in front of “second flange unit.” Accordingly, Applicant has amended claim 3 to correct this error.

2. Claim Rejections under 35 U.S.C. § 112

The Examiner has indicated that claims 2 and 18 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, with respect to claim 2, the limitation “its inner end” does not have sufficient antecedent basis. Claim 2 has been amended to replace “its inner end” with “an inner end thereof.” With respect to claim 18, the limitation “the second frame” also is indefinite for failing to provide sufficient antecedent basis, and therefore, claim 18 is amended to replace “the second frame” with “the second flange.”

Thus, it is believed that the Examiner’s rejections of claims 2 and 18 under 35 U.S.C. § 112, second paragraph are hereby obviated.

3. Claim Rejections under 35 U.S.C. § 102

Claims 1 and 7-10 are presently rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 4,259,818 to Stark (“the Stark patent”). Claim 1 is currently amended to recite the limitation of now canceled claim 8 that there be “inwardly spring-biased sharp edge portions” and to indicate that the sharp edge portions “grip” the pane.

In contrast, Stark uses blunt faces of the frame to hold the glass via an adhesive or mastic. Whereas Stark is able to use the bottom edges of these blunt faces as points of attachment between the frames, this is not possible for a fire door where the bottom edges are sharpened to "embed in the pane when the pane becomes semi-molten". Thus Stark teaches away from a mechanism suitable for use in a "fire resistant vision panel" as claimed.

While the Examiner suggests that Stark includes sharp edges (proximate 38) that would embed in the pane if it became semi-molten in fire, these sharp edges are not spring biased nor in contact with the pane and it is by no means clear these sharp edge portions will embed in the pane to grip the pane when the become semi-molten. This is particularly apparent if one considers the upper edge of the Stark frame where the molten glass would clearly slide between the parallel edges of the Stark design after the mastic had melted or burned away without any embedding. A draping of molten glass over an edge would not be a gripping in the plain and ordinary meaning of this term. Accordingly it is believed that this claim limitation is neither fairly taught nor suggested by Stark nor inherent in the Stark design.

Claims 1, 3-6, 11-14 and 17-20 are presently rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,207,044 to LaSee ("the LaSee patent"). Claim 1 has also been amended to indicate that the first and second flange units are preassembled frames rather than loose parts. The LaSee patent, in contrast, provides loose struts that must be individually rotated to insert a "groove engaging lip 24" into a kerf cut in a wall of the door opening. This kerf mechanism will not work with preassembled rectangular frames contemplated by the present invention or in a more typical door opening having smooth walls without a kerf. The present invention thus allows the use of preassembled flange units that frame the opening (also not shown in the LaSee patent) and that may be easily slid into place and then retained with a separate fastener.

Claim 11 has been amended to indicate that the "spring member" used to spring biased the frame together is a "cantilevered tab". In light of this amendment qualifying "spring member", it is believed that the LaSee patent does not disclose, as is required by claim 11, "a spring member attached to the first flange unit and extending into the opening to support a threaded socket spring-biased toward the first flange unit along a direction through the opening." The Examiner suggests that leg 32 satisfies this limitation, however, leg 32 does not appear to be spring biased and in any case, is not cantilevered being supported at two opposite edges. Nor does leg 32 appear to be capable of being spring-biased toward the first flange unit as leg 32 abuts frame element 26 making movement impossible without a folding of this angle element along its entire length. This latter defect goes to the limitation of "tab" in the amended claim.

Claim 12 is further believed to be patentable over LaSee because it requires that the threaded fastener include a non-threaded section to limit the depth of engagement of the threaded fastener with the threaded socket. The LaSee patent does not disclose the use of a threaded fastener with a non-threaded section to limit engagement as required by amended claim 11. Accordingly, claim 11 is believed to be in condition for allowance, and an indication thereof is respectfully requested.

Dependent claims 2-7, 9-10 and 12-20 are believed to be in condition for allowance based on the allow ability of the independent claims on which they depend, and therefore an indication thereof is respectfully requested.

4. Claim Rejections under 35 U.S.C. § 103(a)

The Examiner has rejected claims 15 and 16 over LaSee in view of U.S. Publ. No. 2003/0066256 to DeBlock et al. ("the DeBlock application"). This rejection is also relevant to claim 11 as described above. While the Applicant admits that all screws have non-threaded portions (e.g. the head), the entire claim limitation requires that the non-threaded section limits "a depth of engagement of the threaded fastener" by "drawing a

threaded portion of the threaded socket over the non-threaded section". Because it is clear that the threaded socket cannot be "drawn over" the head of the screw, the claim read in its entirety cannot be satisfied by a non-threaded screw head. Nevertheless, this possible source of confusion has been addressed by expressly requiring a non-threaded shaft portion of the screw where the non-threaded portion has a diameter sufficient to fit within the threaded socket. It is noted that the claim also requires "the depth of engagement of the threaded fastener with the threaded socket is limited by the bending of the tab".

DeBlock teaches a screw with a non-threaded portion but teaches away from the invention by showing the abutment between the two elements held by this screw rather than the non-threaded section limiting the depth of engagement. Note that if the two portions 14 and 12 did not abut, they could be drawn even closer together despite the limitation in the length of the threads because of the substantial depth of the threaded socket. Thus DeBlock does not meet the claim limitations of limiting "a depth of engagement of the threaded fastener" by "drawing a threaded portion of the threaded socket over the non-threaded section". Clearly DeBlock does not teach a bending of a tap in this regard.

Thus it is believed that the combination of these references both fails to teach the recited limitation and teach away from them by requiring an alternative mechanism to a limit a depth of engagement.

5. Conclusion

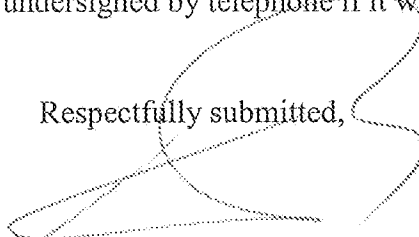
It is submitted that claims 1-7 and 9-20 define patentable subject matter. A Notice of Allowance is therefore respectfully requested.

Should the Examiner consider any other fees to be payable in conjunction with this or any future communication, the Director is authorized to direct payment of such fees, or credit any overpayment to Deposit Account No. 50-1170.

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Art Unit 3635 – Attorney Docket 1764.001
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The examiner is invited to contact the undersigned by telephone if it would help expedite matters.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Keith M. Baxter', is written over the typed name and registration number.

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